

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY BRENT BANKS,

Petitioner,

Case No. 1:11-cv-986

v.

Honorable Paul L. Maloney

SHIRLEE HARRY,

Respondent.

ORDER

In accordance with the Opinion entered this day:

IT IS ORDERED that a certificate of appealability from the judgment issued this date is **DENIED** because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to exhaust or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: October 28, 2011

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge